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WORKMAN NYDEGGER/MICROSOFT  
1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UT 84111

EXAMINER
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NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/082,918

Applicant(s)

LOVELAND, SHAWN DOMENIC

Examiner

Khai M Nguyen

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 and 46-60 is/are pending in the application.
- 4a) Of the above claim(s) 44 and 45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 and 46-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/30/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is response to Amendment filed on 12/22/2004.  
Claims 1-43, 46-60 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-43, 46-60 have been considered but are moot in view of the new ground(s) of rejection.

***Information Disclosure Statement***

3. The reference listed in the Information Disclosure Statement filed on March 30, 2005 have been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B forms).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-8,10-14, 22-43, and 46-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pesola (U.S.Pub-20030125057) in view of Gronemeyer (U.S.Pat-545573)

Regarding claim 1, Pesola teaches in a network (fig.1) that includes a first computer system having a first data store (fig.1, paragraph 0008) and second computer system having a second data store (fig.1, paragraph 0008), a method for synchronizing the first and second data stores in a flexible manner considering the circumstances that exist at the time of synchronization (fig.1, paragraph 0008, 0019), the method comprising the following:

an act of the first computer system determining that a data item is to be synchronized (fig.1, paragraph 0005, 0008);

an act of the first computer system identifying which of a plurality of synchronization mechanisms are available to use for synchronization (fig.1, paragraph 0008, 0015);

and an act of the first computer system using the selected synchronization mechanism to synchronize the data item with the second computer (fig.1, paragraph 0008, 0018-0019).

Pesola fails to teaches an act of the first computer system consulting a set of one or more flexible selection rules to select a synchronization mechanism, the set of one or more flexible rules taking into consideration value, from having access to synchronized

data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules. However, Gronemeyer teaches an act of the first computer system consulting a set of one or more flexible selection rules to select a synchronization mechanism, the set of one or more flexible rules taking into consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules (col.1, lines 22-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an act of the first computer system consulting a set of one or more flexible selection rules to select a synchronization mechanism, the set of one or more flexible rules taking into consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules as taught by Gronemeyer with Pesola teaching in order to provides that

the control signals, which come from the other computers and which adjust the time monitoring devices in the synchronization modules, are fed via OR elements.

Regarding claim 2, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the first computer system is a synchronization server, and the second computer system is a mobile device (fig.1, paragraph 0005, 0008, 0013).

Regarding claim 3, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the first computer system is a mobile device, and the second computer system is a synchronization server (fig.1, paragraph 0004, 0008, 0013).

Regarding claim 4, Pesola and Gronemeyer further teaches a method in accordance with claim 3, wherein the act of the first computer system determining that a data item is to be synchronized (fig.1, paragraph 0005, 0008) comprises the following:

an act of the mobile device determining on its own that the data item is to be synchronized (fig.1, paragraph 0004, 0013).

Regarding claim 5, Pesola and Gronemeyer further teaches a method in accordance with claim 3, wherein the act of the first computer system determining that a data item is to be synchronized (fig.1, paragraph 0005, 0008) comprises the following:

an act of the mobile device receiving a user-issued instruction to synchronize the data item (fig.1, fig.2, paragraph 0005, 0013, 0022, 0024).

Regarding claim 6, Pesola and Gronemeyer further teaches a method in accordance with claim 3, wherein the act of the first computer system determining that a data item is to be synchronized (fig.1, paragraph 0005, 0008) comprises the following:

an act of the mobile device receiving a signal from the synchronization server that represents to the mobile device that the data item is to be synchronized (fig.1, fig.2, paragraph 0005, 0013, 0025).

Regarding claim 7, Pesola and Gronemeyer further teaches a method in accordance with claim 3, wherein the second data store is incorporated within a common sphere of trust (fig.1, paragraph 0008).

Regarding claim 8, Pesola and Gronemeyer further teaches a method in accordance with claim 7, wherein the second data store is incorporated within a corporate network (fig.1, paragraph 0005, 0008).

Regarding claim 10, Pesola and Gronemeyer further teaches a method in accordance with claim 3, wherein the mobile device comprises a mobile telephone (fig.1, paragraph 0004, 0013).

Regarding claim 11, Pesola and Gronemeyer further teaches a method in accordance with claim 3, wherein the mobile device comprises a personal digital assistant (fig.1, paragraph 0004, 0013).

Regarding claim 12, Pesola and Gronemeyer further teaches a method in accordance with claim 3, wherein the mobile device comprises a laptop computer (fig.1, paragraph 0004, 0013).

Regarding claim 13, Pesola and Gronemeyer further teaches a method in accordance with claim 3, wherein the mobile device comprises a tablet personal computer (fig.1, paragraph 0004, 0013).



Regarding claim 14, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the plurality of synchronization mechanisms comprises at least one wireless synchronization mechanism (fig.1, paragraph 0005, 0008).

Regarding claim 22, Pesola and Gronemeyer further teaches a method in accordance with claim 1, further comprising the following:

an act of receiving instructions to change the set of flexible selection rules (fig.1, paragraph 0019, 0022); and

an act of changing the set of selection rules in response to the instruction (fig.1, paragraph 0006, 0019, 0022).

Regarding claim 23, Pesola and Gronemeyer further teaches a method in accordance with claim 22, wherein the act of receiving instructions to change the set of flexible selection rules (fig.1, paragraph 0006, 0019, 0022) comprises the following:

an act of receiving instructions to change the set of flexible selection rules from a user of the first computer system (fig.1, paragraph 0006, 0019, 0022).

Regarding claim 24, Pesola and Gronemeyer further teaches a method in accordance with claim 22, wherein the act of receiving instructions to change the set of flexible selection rules (fig.1, paragraph 0008, 0016, 0019) comprises the following:

an act of receiving instructions to change the set of flexible selection rules from an agent of the second computer system (fig.1, paragraph 0006, 0008, 0019, 0022).

Regarding claim 25, Pesola and Gronemeyer further teaches a method in accordance with claim 24, wherein the act of receiving instructions to change the set of flexible selection rules from an agent of the second computer system (fig.1, paragraph 0006, 0008, 0019, 0022) comprises the following:

an act of receiving instructions to change the set of flexible selection rules from a network administrator of a network that includes the second computer system (fig.1, fig.2, paragraph 0006, 0008, 0019, 0022).

Regarding claim 26, Pesola and Gronemeyer further teaches a method in accordance with claim 25, further comprising the following:

an act of receiving instructions to change the set of flexible selection rules from a user (fig.1, paragraph 0016, 0022).

Regarding claim 27, Pesola and Gronemeyer further teaches a method in accordance with claim 26, wherein the act of changing the set of selection rules in response to the instruction (fig.1, paragraph 0006, 0019, 0022), comprises the following:

an act of fulfilling the instructions received from the network administrator of the second computer system to the extent that there is a conflict between the instructions received from the network administrator of the second computer system and the instructions received from the user of the first computer system (fig.1, fig.2, paragraph 0008, 0013, 0022).

Regarding claim 28, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the act of the first computer system consulting a set of flexible selection rules (paragraph 0008) comprises the following:

an act of the first computer system selecting one of the available synchronization mechanisms without synchronous intervention from a user of the first computer system (fig.1, paragraph 0009).

Regarding claim 29, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the act of determining that a data item is to be synchronized (paragraph 0008) comprises the following:

an act of the first computer system receiving a notification from the second computer system that a data item is available to synchronize (fig.1,fig.2, paragraph 0008, 0022);

an act of the first computer system notifying the user of the availability of the data item; and an act of receiving a user-instruction to synchronize the data item (fig.1, fig.2, paragraph 0005, 0008, 0013, 0022).

Regarding claim 30, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the act of consulting a set of flexible selection rules to select one of the available synchronization mechanisms (fig.1, paragraph 0008, 0016, 0019) comprises the following:

an act of selecting the synchronization mechanism at least based on the time of day (paragraph 0009).

Regarding claim 31, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the act of consulting a set of flexible selection rules to select one of the available synchronization mechanisms (fig.1, paragraph 0008, 0016, 0019) comprises the following:

an act of selecting the synchronization mechanism at least based on the day of the week (paragraph 0009).

Regarding claim 32, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the act of consulting a set of flexible selection rules to select one of the available synchronization mechanisms (fig.1, paragraph 0008, 0016, 0019) comprises the following:

an act of selecting the synchronization mechanism at least based on the value of the data (fig.1, fig.2, paragraph 0016, 0025).

Regarding claim 33, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the act of consulting a set of flexible selection rules to select one of the available synchronization mechanisms (fig.1, paragraph 0008, 0016, 0019) comprises the following:

an act of selecting the synchronization mechanism at least based on the economic cost of using a network associated with the synchronization mechanism (fig.1, paragraph 0014).

Regarding claim 34, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the act of consulting a set of flexible selection rules to select one of the available synchronization mechanisms (fig.1, paragraph 0008, 0016, 0019) comprises the following:

an act of selecting the synchronization mechanism at least based on the security of a network associated with the synchronization mechanism (fig.1, fig.2, paragraph 0014, 0019).

Regarding claim 35, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the act of consulting a set of flexible selection rules to select one of the available synchronization mechanisms (fig.1, paragraph 0008, 0016, 0019) comprises the following:

an act of selecting the synchronization mechanism at least based on the security of the first computer system (fig.1, paragraph 0008, 0014, 0019).

Regarding claim 36, Pesola and Gronemeyer further teaches a method in accordance with claim 35, wherein the act of selecting the synchronization mechanism at least based on the security of the first computer system (fig.1, paragraph 0008, 0014, 0019) comprises the following:

an act of selecting the selecting the synchronization mechanism at least based on the security features inherent in devices of the same type as the first computer system (fig.1, paragraph 0008, 0019).

Regarding claim 37, Pesola and Gronemeyer further teaches a method in accordance with claim 35, wherein the act of selecting the synchronization mechanism at least based on the security of the first computer system (fig.1, paragraph 0008, 0014, 0019) comprises the following:

an act of selecting the selecting the synchronization mechanism at least based on current security settings of the first computer system (fig.1, fig.2, paragraph 0008, 0019, 0024).

Regarding claim 38, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the act of consulting a set of flexible selection rules to select one of the available synchronization mechanisms (fig.1, paragraph 0008, 0016, 0019) comprises the following:

an act of selecting the synchronization mechanism at least based on the location of the user of the first computer system (fig.1, fig.2, paragraph 0008, 0019, 0024).

Regarding claim 39, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the act of consulting a set of flexible selection rules to select one of the available synchronization mechanisms (fig.1, paragraph 0008, 0016, 0019) comprises the following:

an act of determining that there are no current synchronization mechanisms that are selectable based on the flexible set of rules (fig.1, paragraph 0019);

an act of reevaluating the flexible selection rules at a later time (fig.1, paragraph 0004, 0019); and

an act of repeating the reevaluation until at least one of the available synchronization mechanisms is selectable based on the flexible selection rules (paragraph 0005-0006).

Regarding claim 40, Pesola and Gronemeyer further teaches a method in accordance with claim 1, further comprising the following:

after using the selected synchronization mechanism to synchronize the data item (fig.1, paragraph 0005), an act of determining that the conditions for synchronization are no longer met in light of the flexible selection rules (fig.1, paragraph 0015); and

an act of automatically reversing the synchronization if it has been determined that the conditions for synchronization are no longer met (fig.1, paragraph 0008, 0015).

Regarding claim 41, Pesola and Gronemeyer further teaches a method in accordance with claim 1, wherein the act of the first computer system determining that a data item is to be synchronized (paragraph 0008) comprises the following:



an act of the first computer system determining whether to synchronize a data item by consulting a set of flexible selection rules (fig.2, paragraph 0008, 0024); and

an act of the first computer system synchronize the data item with the second computer if the first computer system determines that the data item is to be synchronized (fig.1, fig.2, paragraph 0008, 0015).

Regarding claim 42, Pesola teaches a computer program product for use in a network that includes a first computer system having a first data store and second computer system having a second data store (paragraph 0008), the computer program product for implementing a method for synchronizing the first and second data stores in a flexible manner considering the circumstances that exist at the time of synchronization (fig.1, paragraph 0008, 0019), the computer program product comprising one or more computer-readable media having stored (paragraph 0008) thereon the following:

computer-executable instructions for determining that a data item is to be synchronized (fig.1, fig.2, paragraph 0005);

computer-executable instructions for identifying which of a plurality of synchronization mechanisms are available to use for synchronization (fig.1, fig.2, paragraph 0005, 0022, 0024);

computer-executable instructions for using the selected synchronization mechanism to synchronize the data item with the second computer (fig.1, fig.2, paragraph 0008, 0018-0019).

Pesola fails to teaches computer-executable instructions for consulting a set of one or more flexible selection rules to select a synchronization mechanism, the set of one or more flexible rules taking into consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules. However, Gronemeyer teaches computer-executable instructions for consulting a set of one or more flexible selection rules to select a synchronization mechanism, the set of one or more flexible rules taking into consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules (col.1, lines 22-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use computer-executable instructions for consulting a set of one or more flexible selection rules to select a synchronization mechanism, the set of one or more flexible rules taking into

consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules as taught by Gronemeyer with Pesola teaching in order to provides that the control signals, which come from the other computers and which adjust the time monitoring devices in the synchronization modules, are fed via OR elements.

Regarding claim 43, Pesola and Gronemeyer further teaches a computer program product in accordance with claim 42, wherein the one or more computer-readable media are physical storage media (paragraph 0022).

Regarding claim 44, Pesola and Gronemeyer further teaches in a network that includes a first computer system having a first data store and second computer system having a second data store (fig.1, paragraph 0008), a method for synchronizing the first and second data stores in a flexible manner considering the circumstances that exist at the time of synchronization (fig.1, paragraph 0008, 0019), the method comprising the following:

an act of the first computer system determining that a data item is to be synchronized (fig.1, paragraph 0005, 0008); and

a step for flexibly using an appropriate synchronization mechanism considering the then-existing circumstances (fig.1, paragraph 0019).

Regarding claim 45, Pesola and Gronemeyer further teaches a method in accordance with claim 44, wherein the step for flexibly using an appropriate synchronization considering the then-existing circumstances (fig.1, paragraph 0019) comprises the following:

an act of the first computer system identifying which of the plurality of synchronization mechanisms are available to use for synchronization (fig.1, paragraph 0005, 0008), an act of the first computer system consulting a set of flexible selection rules to select one of the available synchronization mechanisms (fig.1, fig.2, paragraph 0005, 0019); and

an act of the first computer system using the selected synchronization mechanism to synchronize the data item with the second computer (fig.1, fig.2, paragraph 0008, 0023).

Regarding claim 46, Pesola teaches in a network that includes a first computer system having a first data store and second computer system having a second data store (paragraph 0008), a method for synchronizing the first and second data stores in a

flexible manner considering the circumstances that exist at the time of synchronization (paragraph 0004-0005, 0008, 0019), the method comprising the following:

an act of the first computer system synchronizing the data item with the second computer if the first computer system determines that the data item is to be synchronized based on the one or more flexible selection rules and each available synchronization mechanism (fig.1, fig.2, paragraph 0008, 0023).

Pesola fails to teaches an act of the first computer system determining whether to synchronize a data item by consulting a set of one or more flexible selection rules, the set of one or more flexible rules taking into consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules. However, Gronemeyer teaches an act of the first computer system determining whether to synchronize a data item by consulting a set of one or more flexible selection rules, the set of one or more flexible rules taking into consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules (col.1, lines 22-37). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to use an act of the first computer system determining whether to synchronize a data item by consulting a set of one or more flexible selection rules, the set of one or more flexible rules taking into consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules as taught by Gronemeyer with Pesola teaching in order to provides that the control signals, which come from the other computers and which adjust the time monitoring devices in the synchronization modules, are fed via OR elements.

Regarding claim 47, Pesola teaches a method in accordance with claim 46, wherein the first computer system is a synchronization server, and the second computer system is a mobile device (fig.1, paragraph 0005, 0008, 0013).

Regarding claim 48, Pesola teaches a method in accordance with claim 46, wherein the first computer system is a mobile device, and the second computer system is a synchronization server (fig.1, paragraph 0004, 0008, 0013).

Regarding claim 49, Pesola teaches a method in accordance with claim 46, further comprising the following:

an act of receiving instructions to change the set of flexible selection rules (fig.1, paragraph 0019, 0022); and

an act of changing the set of flexible selection rules in response to the instruction (fig.1, paragraph 0006, 0019, 0022).

Regarding claim 50, Pesola teaches a method in accordance with claim 49, wherein the act of receiving instructions to change the set of flexible selection rules (fig.1, paragraph 0006, 0019, 0022) comprises the following:

an act of receiving instructions to change the set of flexible selection rules from a user of the first computer system (fig.1, paragraph 0006, 0019, 0022).

Regarding claim 51, Pesola teaches a method in accordance with claim 49, wherein the act of receiving instructions to change the set of flexible selection rules (fig.1, paragraph 0008, 0016, 0019) comprises the following:

an act of receiving instructions to change the set of flexible selection rules from an agent of the second computer system (fig.1, paragraph 0006, 0008, 0019, 0022).

Regarding claim 52, Pesola teaches a method in accordance with claim 51, wherein the act of receiving instructions to change the set of flexible selection rules from an agent of the second computer system (fig.1, paragraph 0006, 0008, 0019, 0022) comprises the following:

an act of receiving instructions to change the set of flexible selection rules from a network administrator of trusted network that includes the second computer system (fig.1, fig.2, paragraph 0006, 0008, 0019, 0022).

Regarding claim 53, Pesola teaches a method in accordance with claim 52, further comprising the following:

an act of receiving instructions to change the set of flexible selection rules from a user (fig.1, paragraph 0016, 0022).

Regarding claim 54, Pesola teaches a method in accordance with claim 53, wherein the act of changing the set of flexible selection rules in response to the instruction (fig.1, paragraph 0006, 0019, 0022), comprises the following:

an act of fulfilling the instructions received from the network administrator of the second computer system to the extent that there is a conflict between the instructions received from the network administrator of the second computer system and the



instructions received from the user of the first computer system (fig.1, fig.1, paragraph 0008, 0013, 0022).

Regarding claim 55, Pesola teaches a method in accordance with claim 46, further comprising the following:

after using the selected synchronization mechanism to synchronize the data item (fig.1, paragraph 0005), an act of determining that the conditions for synchronization are no longer met in light of the flexible selection rules (fig.1, paragraph 0015); and

an act of automatically reversing the synchronization if it has been determined that the conditions for synchronization are no longer met (fig.1, paragraph 0008, 0015).

Regarding claim 56, Pesola teaches a method in accordance with claim 46, wherein the act of the first computer system synchronize the data item with the second computer (paragraph 0008) comprises the following:

an act of the first computer system identifying which of a plurality of synchronization mechanisms are available to use for synchronization (fig.1, paragraph 0005, 0008);

an act of the first computer system consulting a set of flexible selection rules to select one of the available synchronization mechanisms (fig.1, fig.2, paragraph 0005, 0019); and

an act of the first computer system using the selected synchronization mechanism to synchronize the data item with the second computer (fig.1, fig.2, paragraph 0008, 0023).

Regarding claim 57, Pesola teaches a computer program product for use in a network that includes a first computer system having a first data store and second computer system having a second data store (paragraph 0005, 0008), the computer program product for implementing a method for synchronizing the first and second data stores in a flexible manner considering the circumstances that exist at the time of synchronization (fig.1, paragraph 0008, 0019), the computer program product comprising one or more computer-readable media having stored thereon the following:

computer-executable instructions for synchronize the data item with the second computer if the first computer system determines that the data item is to be synchronized based on the one or more flexible selection rules and each available synchronization mechanism.(fig.1, fig.2, paragraph 0008, 0015).

Pesola fails to teaches computer-executable instructions for determining whether to synchronize a data item by consulting a set of one or more flexible selection rules, the set of one or more flexible rules taking into consideration value, from having access

to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules. However, Gronemeyer teaches computer-executable instructions for determining whether to synchronize a data item by consulting a set of one or more flexible selection rules, the set of one or more flexible rules taking into consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules (col.1, lines 22-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use computer-executable instructions for determining whether to synchronize a data item by consulting a set of one or more flexible selection rules, the set of one or more flexible rules taking into consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules as taught by Gronemeyer with Pesola teaching in order to

provides that the control signals, which come from the other computers and which adjust the time monitoring devices in the synchronization modules, are fed via OR elements.

Regarding claim 58, Pesola teaches a computer program product in accordance with claim 57, wherein the one or more computer-readable media comprise physical storage media (paragraph 0022).

Regarding claim 59, Pesola teaches a network system comprising the following:

a synchronization server comprising a data store (paragraph 0013, 0017-0018), a networking module, and a processing module configured to access the data store as well as communicate over a network using the networking module (paragraph 0015);

a mobile device having a data store, a networking module, and a processing module configured to access the data store of the mobile device as well as communicate with the synchronization server over the network using the networking module of the mobile device, the processing device of the mobile device configured to perform the following (fig.2, paragraph 0015, 0021):

determine that a data item is to be synchronized (fig.1, fig.2, paragraph 0005);

identify which of a plurality of synchronization mechanisms are available to use for synchronization (fig.1, fig.2, paragraph 0005, 0022, 0024);

use the selected synchronization mechanism to synchronize the data item (fig.1, fig.2, paragraph 0008, 0018-0019).

Pesola fails to teaches consult a set of one or more flexible selection rules to select a synchronization mechanism, the set of one or more flexible rules taking into consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules. However, Gronemeyer teaches consult a set of one or more flexible selection rules to select a synchronization mechanism, the set of one or more flexible rules taking into consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules (col.1, lines 22-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use consult a set of one or more flexible selection rules to select a synchronization mechanism, the set of one or more flexible rules taking into consideration value, from having access to

synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules as taught by Gronemeyer with Pesola teaching in order to provides that the control signals, which come from the other computers and which adjust the time monitoring devices in the synchronization modules, are fed via OR elements.

Regarding claim 60, Pesola teaches a network system comprising the following:

a synchronization server comprising a data store, a networking module (paragraph 0013, 0017-0018), and a processing module configured to access the data store as well as communicate over a network using the networking module (paragraph 0015);

a mobile device having a data store, a networking module, and a processing module configured to access the data store of the mobile device as well as communicate with the synchronization server over the network using the networking module of the mobile device, the processing device of the synchronization server configured to perform the following (fig.2, paragraph 0013, 0015, 0017-0018, 0021):

determine that a data item is to be synchronized (fig.1, fig.2, paragraph 0005);

identify which of a plurality of synchronization mechanisms are available to use for synchronization (fig.1, fig.2, paragraph 0005, 0022, 0024);

use the selected synchronization mechanism to synchronize the data item (fig.1, fig.2, paragraph 0008, 0018-0019).

Pesola fails to teaches consult a set of one or more flexible selection rules to select a synchronization mechanism, the set of one or more flexible rules taking into consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules. However, Gronemeyer teaches consult a set of one or more flexible selection rules to select a synchronization mechanism, the set of one or more flexible rules taking into consideration value, from having access to synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules (col.1, lines 22-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use consult a set of one or more flexible selection rules to select a synchronization mechanism, the set of one or more flexible rules taking into consideration value, from having access to

synchronized data relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, or (iii) security of the second computer system, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules as taught by Gronemeyer with Pesola teaching in order to provides that the control signals, which come from the other computers and which adjust the time monitoring devices in the synchronization modules, are fed via OR elements.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pesola (U.S. Pub-20030125057) in view of Gronemeyer (U.S.Pat-545573) further in view of Asakawa (U.S. Pub-20030036398).

Regarding claim 9, Pesola and Gronemeyer teaches a method in accordance with claim 3, wherein the second data store is incorporated (fig.1, paragraph 0005, 0008).

Pesola and Gronemeyer fails to specifically disclose a data store is incorporated within the internet. However, Asakawa teaches a data store is incorporated within the internet (fig.1, paragraph 0003). Therefore, it would been obvious to one of ordinary skill in the art at the time the invention was made to use a data store is incorporated within the internet as taught by Asakawa, Pesola and Gronemeyer teaching in order to provide a single device can simultaneously be part of more than one network.



Claim **15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Pesola (U.S. Pub-20030125057) in view of Gronemeyer (U.S.Pat-545573) further in view of Carlsson (U.S. Pub-20030119524).

Regarding claim 15, Pesola and Gronemeyer teaches a method in accordance with claim 14, wherein the at least one wireless synchronization mechanism uses a network (fig.1, paragraph 0005, 0008).

Pesola and Gronemeyer fails to specifically disclose a wireless synchronization mechanism uses a GPRS network. However, Carlsson teaches a wireless synchronization mechanism uses a GPRS network (fig.1, paragraph 0012). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use a wireless synchronization mechanism uses a GPRS network as taught by Carlsson, Pesola and Gronemeyer teaching in order to help determine the location of the mobile terminal.

Claims **16-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pesola (U.S. Pub-20030125057) ) in view of Gronemeyer (U.S.Pat-545573) further in view of Monin (U.S. Pub-20020197984).

Regarding claims 17-19, Pesola and Gronemeyer teaches a method in accordance with claim 14, wherein the at least one wireless synchronization mechanism uses an network (fig.1, paragraph 0005, 0008).

Pesola and Gronemeyer fails to specifically disclose a wireless synchronization mechanism uses 802.11a, 802.11b, Bluetooth, cellular network. However, Monin teaches a wireless synchronization mechanism uses 802.11a, 802.11b, Bluetooth, cellular network (paragraph 0014). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use a wireless synchronization mechanism uses 802.11a, 802.11b, Bluetooth, cellular network as taught by Monin, Pesola and Gronemeyer teaching in order to linking together a network of wireless local network access points at respective physical locations.

Claim **20-21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Pesola (U.S. Pub-20030125057) in view of Gronemeyer (U.S. Pat-545573) further in view of Steinka (U.S. Pat-6285680).

Regarding claims 20-21, Pesola and Gronemeyer teaches a method in accordance with claim 1, wherein the plurality of synchronization mechanisms comprises dialup synchronization mechanism and the plurality of synchronization mechanisms a network (fig.1, fig.2, paragraph 0005, 0013).

Pesola and Gronemeyer fails to specifically disclose the plurality of synchronization mechanisms comprises an analog dialup synchronization mechanism and the plurality of synchronization mechanisms a VPN network. However, Steinka teaches the plurality of synchronization mechanisms comprises an analog dialup synchronization mechanism and the plurality of synchronization mechanisms a VPN

network (fig.1, col.3, lines 34-42, col.8, lines 25-37). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use the plurality of synchronization mechanisms comprises an analog dialup synchronization mechanism and the plurality of synchronization mechanisms a VPN network as taught by Steinka, Pesola and Gronemeyer teaching in order to provide selective mobile device access to multiple hot resources through a common WAN connection.

#### ***Citation of Pertinent Prior Art***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Park et al.** (U.S.Pat-6577878) discloses Base transceiver station of digital mobile telecommunication system.

**Pesola et al.** (U.S.Pub-20030126327) discloses Volume translation apparatus and method.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Khai Nguyen  
Au:2687

5/14/2005



LESTER KINCAID  
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